(b) at least one pharmaceutically acceptable rate-controlling polymer, wherein: (i) the rate-controlling polymer is integrated in a rate-controlling matrix with the nanoparticulate drug composition or coats the nanoparticulate drug composition, and (ii) the controlled release nanoparticulate composition provides controlled release of the nanoparticulate drug for a time period ranging from about 2 to about 24 hours.

2. (Twice Amended) The controlled release nanoparticulate composition of claim 1, wherein the effective average particle size of the nanoparticulate drug is selected from the group consisting of less than about 800 nm, less than about 600 nm, less than about 400 nm, less than about 300 nm, less than about 250 nm, less than about 100 nm, and less than about 50 nm, wherein at least 50% of the drug particles have an average particle size of less than about 800, 600, 400, 300, 250, 100, or 50 nm, respectively, when measured by light scattering techniques.

3. (Amended) The controlled release nanoparticulate composition of claim 1, wherein the concentration of the polymer is from about 5 to about 95% (w/w).

4. (Amended) The controlled release nanoparticulate composition of claim 3, wherein the concentration of the polymer is from about 10 to about 65% (w/w).

5. (Amended) The controlled release nanoparticulate composition of claim 1 additionally comprising a binder agent in an amount of from about 0.1 to about 10% (w/w).

6. (Amended) The controlled release nanoparticulate composition of claim 1 additionally comprising a lubricant in an amount of from about 0.1 to about 10% (w/w).

7. (Amended) The controlled release nanoparticulate composition of claim 6, wherein the lubricant is selected from the group consisting of magnesium stearate, hydrogenated vegetable oil, and stearic acid.

8. (Amended) The controlled release nanoparticulate composition of claim 1, wherein the solid dose formulation is made by wet granulation.

D3

9. (Twice Amended) The controlled release nanoparticulate composition of claim 1 formed by wet granulation, wherein water is added to the nanoparticulate drug, surface stabilizer, and polymer to form granules prior to forming the solid dose of the controlled release formulation.

D4

10. (Amended) The controlled release nanoparticulate composition of claim 1, wherein the rate-controlling polymer is selected from the group consisting of gum arabic, agar, guar gum, cereal gums, dextran, casein, gelatin, pectin, carrageenan, waxes, shellac, hydrogenated vegetable oils, polyvinylpyrrolidone, hydroxypropyl cellulose (HPC), hydroxyethyl cellulose (HEC), hydroxypropyl methylcelluose (HPMC), sodium carboxymethylcellulose (CMC), poly(ethylene) oxide, alkyl cellulose, ethyl cellulose, methyl cellulose, carboxymethyl cellulose, hydrophilic cellulose derivatives, polyethylene glycol, polyvinylpyrrolidone, cellulose acetate, cellulose acetate butyrate, cellulose acetate phthalate, cellulose acetate trimellitate, polyvinyl acetate phthalate, hydroxypropylmethyl cellulose phthalate, hydroxypropylmethyl cellulose acetate succinate, polyvinyl acetaldiethylamino acetate, poly(alkylmethacrylate), poly(vinyl acetate), polymers derived from acrylic or methacrylic acid and their respective esters, and copolymers derived from acrylic or methacrylic acid and their respective esters.

11. (Amended) The controlled release nanoparticulate composition of claim 10, wherein the rate-controlling polymer is hydroxypropylmethyl cellulose (HPMC).

12. (Amended) The controlled release nanoparticulate composition of claim 10, wherein the rate-controlling polymer is a polymer derived from acrylic or methacrylic acid and their respective esters or copolymers derived from acrylic or methacrylic acid and their respective esters.

D5

13. (Twice Amended) The controlled release nanoparticulate composition of claim 1, wherein the poorly water soluble nanoparticulate drug is present in an amount of from about 1 μg to about 800 mg.

37. (Amended) The controlled release nanoparticulate composition of claim 1, wherein the surface stabilizer is selected from the group consisting of gelatin, casein, lecithin, dextran, gum acacia, cholesterol, tragacanth, stearic acid, benzalkonium chloride, calcium stearate, glycerol monostearate, cetostearyl alcohol, cetomacrogol emulsifying wax, sorbitan esters, polyoxyethylene alkyl ethers, polyoxyethylene castor oil derivatives, polyoxyethylene sorbitan fatty acid esters, polyethylene glycols, polyoxyethylene stearates, colloidal silicon dioxide, phosphates, sodium dodecylsulfate, carboxymethylcellulose calcium, carboxymethylcellulose sodium, methylcellulose, hydroxyethylcellulose, hydroxypropylcellulose, hydroxypropylmethyl-cellulose phthalate, noncrystalline cellulose, magnesium aluminum silicate, triethanolamine, polyvinyl alcohol, polyvinylpyrrolidone, tyloxapol, poloxamers, poloxamines, Tetronic 1508® , dialkylesters of sodium sulfosuccinic acid, sodium lauryl sulfate, an alkyl aryl polyether sulfonate, a mixture of sucrose stearate and sucrose distearate, p-isononylphenoxypoly-(glycidol), Crodestas SL-40®, SA9OHCO, decanoyl-N-methylglucamide, n-decyl -D-glucopyranoside, n-decyl -D-maltopyranoside, n-dodecyl -D-glucopyranoside, n-dodecyl -D-maltoside, heptanoyl-N-methylglucamide, n-heptyl--D-glucopyranoside, n-heptyl -D-thioglucoside, n-hexyl -D-glucopyranoside, nonanoyl-N-methylglucamide, n-noyl -D-glucopyranoside, octanoyl-N-methylglucamide, n-octyl--D-glucopyranoside, and octyl -D-thioglucopyranoside.

38. (Amended) The controlled release nanoparticulate composition of claim 1, wherein the drug is selected from the group consisting of analgesics, anti-inflammatory agents, anthelmintics, anti-arrhythmic agents, antiasthma agents, antibiotics, anticoagulants, antidepressants, antidiabetic agents, antiepileptics, antihistamines, antitussives, antihypertensive agents, antimuscarinic agents, antimycobacterial agents, antineoplastic agents, antipyretics, immunosuppressants, immunostimulants, antithyroid agents, antiviral agents, anxiolytic sedatives, astringents, beta-adrenoceptor blocking agents, blood products and substitutes, bronchodilators, cardiac inotropic agents, chemotherapeutics, contrast media, corticosteroids, cough suppressants, diagnostic agents, diagnostic imaging agents, diuretics, dopaminergics, haemostatics, immunological agents, lipid regulating agents, muscle relaxants, proteins, polypeptides, parasympathomimetics, parathyroid calcitonin and biphosphonates, prostaglandins, radio-pharmaceuticals, hormones, sex hormones, anti-

allergic agents, stimulants, anoretics, sympathomimetics, thyroid agents, vaccines, vasodilators, and xanthines.

39. (Amended) The controlled release nanoparticulate composition of claim 1, wherein the drug is selected from the group consisting of alprazolam, amiodarone, amlodipine, astemizole, atenolol, azathioprine, azelatine, beclomethasone, budesonide, buprenorphine, butalbital, carbamazepine, carbidopa, cefotaxime, cephalexin, cholestyramine, ciprofloxacin, cisapride, cisplatin, clarithromycin, clonazepam, clozapine, cyclosporin, diazepam, diclofenac sodium, digoxin, dipyridamole, divalproex, dobutamine, doxazosin, enalapril, estradiol, etodolac, etoposide, famotidine, felodipine, fentanyl citrate, fexofenadine, finasteride, fluconazole, flunisolide, flurbiprofen, fluvoxamine, furosemide, glipizide, gliburide, ibuprofen, isosorbide dinitrate, isotretinoin, isradipine, itraconazole, ketoconazole, ketoprofen, lamotrigine, lansoprazole, loperamide, loratadine, lorazepam, lovastatin, medroxyprogesterone, mefenamic acid, methylprednisolone, midazolam, mometasone, nabumetone, naproxen, nicergoline, nifedipine, norfloxacin, omeprazole, paclitaxel, phenytoin, piroxicam, quinapril, ramipril, risperidone, sertraline, simvastatin, terbinafine, terfenadine, triamcinolone, valproic acid, zolpidem, and pharmaceutically acceptable salts thereof.

40. (Amended) The controlled release nanoparticulate composition of claim 1, wherein the drug is selected from the group consisting of naproxen, glipizide, and nifedipine.

Please add the following new claims.

53. (New) The controlled release nanoparticulate composition of claim 1, wherein the nanoparticulate drug composition and rate-controlling polymer exist in a form selected from the following group:

(a) a tablet of the nanoparticulate drug composition coated with the rate-controlling polymer,

(b) a compressed matrix comprising the nanoparticulate drug composition dispersed in the rate-controlling polymer,

(c) a compressed matrix comprising the nanoparticulate drug composition dispersed in the rate-controlling polymer, which matrix is coated with the rate-controlling polymer,

(d) a multilayer tablet of the nanoparticulate drug composition, which tablet is coated with the rate-controlling polymer,

(e) a multilayer tablet of the nanoparticulate drug composition dispersed in the rate-controlling polymer, which tablet optionally is further coated with the rate-controlling polymer, and

(f) a multiparticulate form comprising discrete particles, pellets, and/or mini-tablets.

D7 cont.

54. (New) The controlled release nanoparticulate composition of claim 10, wherein the rate-controlling polymer is polyethylene oxide (PEO) or polyvinyl acetate phthalate.

REMARKS

Applicants respectfully request reconsideration of this application.

I. SUMMARY OF THE CLAIMS

Claims 1-22 and 25-54 are pending in this application. Claims 1-22, 25-29, 37-44, and 53-54 are directed to controlled release nanoparticulate drug compositions and dosage forms comprising them, claims 30-34 and 45-48 are directed to methods of preparing solid dose controlled release nanoparticulate drug formulations, and claims 35-36 and 50-52 are directed to methods of treating mammals with controlled release nanoparticulate drug formulations. Claims 1-13 and 37-40 have been amended to emphasize that the controlled release nanoparticulate composition comprises: (a) a nanoparticulate drug in association with at least one surface stabilizer, and (b) at least one rate-controlling polymer in a form that exhibits controlled release properties. New claim 53 recites several controlled release dosage forms. Exemplary support for the amendments and new claim 53 exists in the specification at page 6, line 6, through page 7, line 25, which describes various dosage forms, including controlled release matrices, tablets coated with rate controlling polymers, multilayer tablets,